

Planning Ref: HGY/2017/3584

15th November 2022

Haringey Council,
Planning, Regeneration & Economy,
Level 6, River Park House,
225 High Road,
Wood Green,
N22 8HQ.

Dear Sir / Madam,

**Application For a Lawful Development Certificate of Lawfulness for an Existing Use or Development
Town and Country Planning Act 1990 (as amended)**

Bernard Works, Bernard Road, N15 4NX – HGY/2017/3584

On behalf of our client, GCAP Developments Ltd (the Applicant), please find enclosed an application (Application) for a Certificate of Lawfulness for a Existing Use or Development (CLPUD) for land at Bernard Works in Tottenham (the Site).

The Application seeks a CLPUD for the development authorised by the planning permission (reference HGY/2017/3584) and as varied by non-material amendment (NMA) references HGY/2022/0042 and HGY/2022/1660 (the Planning Permission) has been lawfully implemented.

Section 191 of the Town and Country Planning Act (TCPA) 1990 indicates that a CLPUD should be applied for,

"If any person wishes to ascertain whether—

(a) any existing use of buildings or other land; or

(b) any operations which have been carried out in, on, over or under land are lawful, or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter. "

Implementation of the Planning Permission occurred before it expired on 9th July 2022¹ by virtue of the demolition of existing structures on site and excavation and construction works undertaken on Site as set out in the supporting Technical Report prepared by CMP Construct and dated 2nd November 2022 pursuant to the Planning Permission, following the discharge of all pre-commencement conditions as detailed in Table 1 below. We also include an opinion from leading Counsel on this matter with dated 15th November 2022.

The works undertaken constitute the commencement in accordance with s.56(4)(b) of the TCPA, which states that the time the development is begun is:

(1)..... for the purposes of this Act development of land shall be taken to be initiated—

(a) if the development consists of the carrying out of operations, at the time when those operations are begun;

(b) if the development consists of a change in use, at the time when the new use is instituted;

(c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

(2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

(4) In subsection (2) "material operation" means—

(a) any work of construction in the course of the erection of a building;

[(aa) any work of demolition of a building;]

(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

¹ See informative 1 of HGY/2022/0042

(d)any operation in the course of laying out or constructing a road or part of a road;
(e)any change in the use of any land which constitutes material development.

Details provided within the CMP Construct Technical Report dated 2nd November 2022 show the extent of the works undertaken and demonstrate that the works are material operations sufficient to implement the Planning Permission. In addition, works on site have continued on site since the 9th July 2022 in line with the planning permission reference HGY/2017/3584.

Table 1 confirms that all conditions that were required to be discharged before demolition works and below ground works were commenced have been discharged. The Planning Permissions (including non-material amendments) and pre-commencement condition discharge notices are appended to this letter.

Table 1: Schedule of Pre - Commencement Conditions

	Planning Ref: HGY/2017/3584	Planning Ref: HGY/2022/0042	Planning Ref: HGY/2022/1660		
	9 th July 2018	17 th March 2022 -NMA	1 st June 2022 - NMA	Date of Discharge	Application Reference
10	Basement Development Impact Assessment	Updated Basement Development Impact Assessment	/	Approved 05.07.22	HGY/2022/1010
11	Construction Management Plan	/	/	Approved 24.06.22	HGY/2022/0619
20	Site Environmental Management Plan	/	/	Approved 05.07.22	HGY/2022/0624
25	Impact studies of existing water supply infrastructure	Informative 2 - For the avoidance of doubt, Condition 25 of the decision notice for planning permission ref. HGY/2017/3584 shall now read: Development should not be commenced (excepting demolition and below ground works) until impact studies of the existing water supply infrastructure	/	Partially Approved 05.07.22	HGY/2022/1330
26	Full Details of Attenuation Infrastructure	Informative 2. For the avoidance of doubt, Condition 26 of the decision notice for planning permission ref. HGY/2017/3584 shall now read: Prior to the commencement of the development (excepting demolition and below ground works) full details of attenuation infrastructure	/	Approved 05.07.22	HGY/2022/0774
27	Management of Sustainable Drainage Scheme	Informative 2. For the avoidance of doubt, Condition 27 of the decision notice for planning permission ref. HGY/2017/3584 shall now read: Prior to the commencement of the development (excepting demolition) details of the design, implementation, maintenance and management of the sustainable drainage scheme	/	Approved 05.07.22	HGY/2022/0775
31	Site Investigation	/	/	Partial 31a) Approved 09.06..22	HGY/2022/0898
33	Air Quality and Dust Management Plan	/	/	Approved 05.05.22	HGY/2022/0625
35	Prior to the commencement of: (a) the demolition and site remediation stage of works, and (b) the main construction stage	Informative 11. For the avoidance of doubt, Condition 35 of the decision notice for planning permission ref. HGY/2017/3584 shall now read: Prior to the commencement of: (a) the demolition and site	/	Approved 05.05.22	HGY/2022/0776

	of works, evidence of site registration at nrmm.london, for each stage, to allow continuing details of NonRoad Mobile Machinery (NRMM) and plant of net power between 37kW and 560 kW to be uploaded during the construction phase of the development	remediation stage of works, and (b) the main construction stage of works, evidence of site registration at nrmm.london, for each stage, to allow continuing details of Non-Road Mobile Machinery (NRMM) and plant of net power between 37kW and 560 kW to be uploaded during the construction phase of the development			
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We consider that the information provided within this application should satisfy the Council that the Works carried out on Site are sufficient to have implemented the Planning Permission, hence we invite the Council to grant the certificate pursuant to the application.

In support of this application, please find enclosed with this letter:

- Site Location Plan
- Implementation Works Statement including works photomontage, prepared by CMP Construct dated 2nd November 2022
- Opinion from Robert Walton KC reference 15th November 2022
- Decision Notice ref HGY/2017/3584 and NMA's reference HGY/2022/0042 and HGY/2022/1660
- Pre-commencement conditions decision notices

This Application has been submitted on the Planning Portal, reference PP-11681982 with the requisite planning application fee made by the Applicant as an electronic payment.

We trust that the enclosed information is sufficient and look forwards to receiving formal confirmation of validation in due course. Should you require any further information, please contact Jo Hanslip or Akeem Iginla at this Office.

Yours Faithfully

Jo

Jo Hanslip
Director
Urbanissta Ltd

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- Site Location Plan
- CMP Construct Report dated 2nd November 2022
- Robert Walton KC opinion dated 15th November 2022

Permission HGY 2017 3584
NMA - HGY/2022/0042
NMA - HGY/2022/1660
HGY/2022/0619
HGY/2022/0624
HGY/2022/0625
HGY/2022/0774
HGY/2022/0775
HGY/2022/0776
HGY/2022/0898
HGY/2022/1010
HGY-2022-1330